

#EO-230
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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

November 17, 2005

Mr. Milford Wayne Donaldson
California Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

Re: STB Docket No. AB-980X, Santa Clara Valley Transportation Authority –
Abandonment Exemption – in Santa Clara and Alameda Counties, CA; **Finding of No
Historic Properties Affected (STB050725A)**

Dear Mr. Donaldson:

Pursuant to the requirements of Section 106 of the National Historic Preservation Act at 36 CFR 800.4(d)(1), I am writing to inform you that the Surface Transportation Board's Section of Environmental Analysis (SEA) has determined that the above-titled abandonment proceeding will not affect historic properties. Below, I have outlined the documentation for this finding, as set forth at 36 CFR 800.11(d). Ms. Rini Ghosh of my staff spoke with Ms. Anmarie Medin of your staff on October 4, 2005, and Ms. Medin requested that we provide your office with this documentation in a letter format.

1. 36 CFR 800.11(d)(1): "A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary."

Santa Clara Valley Transportation Authority (SCVTA), filed a petition for exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of all common carrier obligations over a portion of rail line in Santa Clara County, California (the Industrial line) and a portion of rail line in Alameda County, California (the Milpitas line). The Industrial line extends 1.19 miles from milepost 16.30 to milepost 17.49 in Santa Clara County and the Milpitas line extends 2.77 miles from milepost 2.61 near Paseo Padre Drive to milepost 5.38 near Grimmer Boulevard in and near Fremont in Alameda County.

SCVTA indicates that no salvage activities are contemplated as part of the proposed abandonment, and the portions of the rail lines to be abandoned would be used for Bay Area

Rapid Transit mass transit. There is one railroad bridge structure located at milepost 16.32, which crosses Silver Creek and is south of Highway 101. SCVTA states that this bridge would not be used as part of the light rail system, but could be used as a bike path and/or walking trail. Because SCVTA would have the legal authority to conduct salvage activities if the abandonment is approved, SEA has examined the effects of salvage activities on the human and natural environment. Additional details of the proposed undertaking, as well as a map of the area where the portions of the rail line are to be abandoned can be found in the Environmental Assessment, which I have enclosed for your convenience.

2. 36 CFR 800.11(d)(2): "A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to 800.4(b)."

In two prior abandonment proceedings, the Union Pacific Railroad Company (UP) discontinued its trackage rights and abandoned its freight easements over the portions of the rail lines SCVTA now seeks to abandon. See Union Pacific Railroad Company – Abandonment Exemption – in Santa Clara County, CA, STB Docket No. AB-33 (Sub-No. 221X) (STB served Nov. 26, 2004) and Union Pacific Railroad Company – Abandonment Exemption – in Alameda County, CA, STB Docket No. AB-33 (Sub-No. 211X) (STB served Nov. 12, 2003). UP prepared historic reports as part of those abandonment proceedings that described the Area of Potential Effects (APE), discussed the structures within the APE, and provided photographs of those structures. The APE for the two UP abandonment proceedings was larger than and encompasses the APE for SCVTA's current abandonment proceeding.¹

3. 36 CFR 800.11(d)(3): "The basis for determining that no historic properties are present or affected."


By letters dated October 14, 2003 and September 14, 2004, the California Office of Historic Preservation stated that it had reviewed the information in UP's historic reports and had determined that the structures on the rights-of-way were not eligible for inclusion in the National Register of Historic Places and that UP's abandonment proceedings would have no effect on historic properties. Copies of these letters are enclosed.

Therefore, we have determined that SCVTA's abandonment proposal would not affect historic properties and request your concurrence with this determination. We also note that a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ identified no Federally recognized tribes in Alameda and Santa Clara counties.

¹ The historic reports for UP's abandonment proceedings covered rail line rights-of-way from milepost 0.00 to milepost 5.38 in Alameda County and from milepost 16.3 to milepost 19.6 in Santa Clara County. As discussed above, the APE in this abandonment proceeding is from milepost 2.61 to milepost 5.38 in Alameda County and from milepost 16.30 to milepost 17.49 in Santa Clara County.

If you have any questions or require additional information, please do not hesitate to contact me or Rini Ghosh of my staff at (202) 565-1539.

Sincerely yours,



Victoria Rutson /
Chief
Section of Environmental Analysis

Enclosures

cc (w/out enclosures):

Mr. Alex Menendez, Attorney for Santa Clara Valley Transportation Authority

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 940198
SACRAMENTO, CA 95829-0198
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calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

FILE
AD 33-221



September 14, 2004

REPLY TO: STB040629A

Charles W. Saylors, Director, Legal Support Services
Union Pacific Railroad Company
1416 Dodge Street
OMAHA NB 68179

Re: Proposed Abandonment of the San Jose Industrial Lead from Milepost 16.3 to Milepost 19.6, Santa Clara County.

Dear Mr. Saylors:

Thank you for submitting to our office, on behalf of the U.S. Surface Transportation Board (STB), your June 25, 2004 letter and supporting documentation regarding the proposed abandonment of railroad tracks that are part of the San Jose Industrial Lead from Milepost (MP) 16.3 to MP 19.6, a distance of 3.3 miles in Santa Clara County. The abandonment of the tracks by the Union Pacific Railroad Company (UPRR) is due to the declining use of the alignment as a corridor for freight and other forms of rail transportation. UPRR has identified two railroad bridge structures (located at MP 16.32 and MP 18.43) with unknown construction dates inside within the project Area of Potential Effects (APE).

Pursuant to 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act, STB is seeking my comments on its determination of the eligibility of the aforementioned bridge structures for inclusion on the National Register of Historic Places (NRHP). STB is also seeking my comments on its determination of the effects the proposed project will have on historic properties in accordance with 36 CFR 800. A review of the submitted documentation leads me to concur with STB's determination that neither of the aforementioned bridge structures are eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The properties have no strong associations with significant historical events or persons and are not examples of outstanding engineering design or function. On the basis of these comments I can now concur with STB's determination that the proposed project, as described, will have no effect on historic properties.

Thank you again for seeking my comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902, or by e-mail at ccaes@ohp.parks.ca.gov.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@mail2.quiknet.com



October 14, 2003

REPLY TO: STB030915A

Charles W. Saylors, Director
Legal Support Services
Union Pacific Railroad
1416 Dodge Street
OMAHA NB 68179

Re: Union Pacific Railroad Track Abandonment, Post Mile 0.0 near Clark Drive at
Niles Junction to Post Mile 5.38 near Washington Boulevard in Warm Springs,
Alameda County.

Dear Mr. Saylors:

Thank you for submitting to our office, on behalf of the Surface Transportation Board (STB), your September 11, 2003 letter and supporting documentation regarding the proposed abandonment of railroad track property belonging to the Union Pacific Railroad (UPRR) from Post Mile (P.M.) 0.0 to P.M. 5.38 in the town of Warm Springs, Alameda County. The proposed project would include the abandonment of railroad tracks, including track ties, and rails within the alignment noted above. The project Area of Potential Effects (APE) is the alignment right of way within the aforementioned post mile markers. The APE appears adequate and meets the definitions set forth in 36 CFR 800.16(d). The bridge structures that are 50 years of age or older that are located within the project APE include those located at P.M. 1.19, P.M. 1.35, P.M. 1.69, P.M. 2.00, and P.M. 2.58.

STB is seeking my comments on its determination of the eligibility of the aforementioned bridge structures for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. STB is also seeking my comments on its determination of the effects the proposed project will have on historic properties in accordance with 36 CFR 800. Our review of the submitted documentation leads me to concur with STB's determination that none of the aforementioned structures is eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The properties have no strong associations with significant historical events or persons and are not examples of outstanding engineering design or function. On the basis of these comments, I can now concur with STB's determination that the proposed project, as described, will not involve historic properties. Accordingly, STB has fulfilled its responsibilities pursuant to 36 CFR 800. Please note, however, that STB may have additional responsibilities pursuant to 36 CFR 800 under any of the following circumstances:

1. If any consulting party requests the Advisory Council on Historic Preservation to review your findings in accordance with 36 CFR 800.5 (c) (3);

2. If the undertaking changes in ways that could affect historic properties (36 CFR 800.5 [d] [1]);
3. If previously undocumented properties are discovered during implementation of the undertaking or if a known historic property will be affected in an unanticipated manner (36 CFR 800.13);
4. If a property that was to be avoided has been inadvertently or otherwise affected (36 CFR 800.13);
5. If any condition of the undertaking, such as a delay in implementation or implementation in phases over time, may justify reconsideration of the current National Register status of properties within the undertaking's Area of Potential Effects (36 CFR 800.4[c] [1]).

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar by phone at (916) 653-8902, or by e-mail at ccaes@ohp.parks.ca.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Knox Mellon", followed by a slanted line.

Dr. Knox Mellon
State Historic Preservation Officer



National NAGPRA

National Park Service
National Center for Cultural Resources

NACD Query Results Full Data Report

Query input:

State = California

County = Alameda

The following 0 records for Federally recognized Indian tribe(s), Native Hawaiian organization(s), Alaska Native corporation(s), and/or their designated NAGPRA contact(s) have been identified:

The following 1 related records have been identified:

- "Indians of California"

There are 1 total records.

FULL DATA REPORT

"Indians of California"

FEDERALLY APPROVED NAGPRA ENTITY: No

ENTITY TYPE(S): Also Known As

AUTHORITY: Indian Claims Commission Map (Indian Land Areas Jud. Est. 1978)

LAST UPDATE TO INFORMATION: 05/01/2002

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RESERVATION NAME(S)

No reservation

LAND AREA CLAIMS

St	County	Land Claim Reference	Map ID#
CA	ALAMEDA	Indian Claims Commission decision	Land Claims Map ID # 118
CA	ALPINE		
CA	AMADOR		
CA	BUTTE		
CA	CALAVERAS		
CA	COLUSA		
CA	CONTRA COSTA		
CA	DEL NORTE		
CA	EL DORADO		
CA	FRESNO		
CA	GLENN		
CA	HUMBOLDT		
CA	IMPERIAL		
CA	INYO		
CA	KERN		
CA	KINGS		
CA	LAKE		
CA	LASSEN		
CA	LOS ANGELES		
CA	MADERA		
CA	MARIN		
CA	MARIPOSA		
CA	MENDOCINO		
CA	MERCED		
CA	MODOC		
CA	MONO		
CA	MONTEREY		
CA	NAPA		
CA	NEVADA		
CA	ORANGE		
CA	PLACER		
CA	PLUMAS		
CA	RIVERSIDE		
CA	SACRAMENTO		
CA	SAN BENITO		
CA	SAN BERNARDINO		
CA	SAN DIEGO		
CA	SAN FRANCISCO		
CA	SAN JOAQUIN		
CA	SAN LUIS OBISPO		
CA	SAN MATEO		
CA	SANTA BARBARA		
CA	SANTA CLARA		
CA	SANTA CRUZ		
CA	SHASTA		
CA	SIERRA		
CA	SISKIYOU		
CA	SOLANO		
CA	SONOMA		
CA	STANISLAUS		
CA	SUTTER		
CA	TEHAMA		
CA	TRINITY		
CA	TULARE		
CA	TUOLUMNE		
CA	VENTURA		
CA	YOLO		

CA YUBA

IDENTIFIED BY TRIBE AS BEING OF PARTICULAR INTEREST
Not provided

[Return to top of page](#)

[Return to Query Page](#)



National NAGPRA

National Park Service
National Center for Cultural Resources

NACD Query Results Full Data Report

Query input:

State = California

County = Santa Clara

The following 0 records for Federally recognized Indian tribe(s), Native Hawaiian organization(s), Alaska Native corporation(s), and/or their designated NAGPRA contact(s) have been identified:

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FULL DATA REPORT

"Indians of California"

FEDERALLY APPROVED NAGPRA ENTITY: No

ENTITY TYPE(S): Also Known As

AUTHORITY: Indian Claims Commission Map (Indian Land Areas Jud. Est. 1978)

LAST UPDATE TO INFORMATION: 05/01/2002

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RESERVATION NAME(S)

No reservation

LAND AREA CLAIMS

St County	Land Claim Reference	Map ID#
CA ALAMEDA	Indian Claims Commission decision	Land Claims Map ID # 118
CA ALPINE		
CA AMADOR		
CA BUTTE		
CA CALAVERAS		
CA COLUSA		
CA CONTRA COSTA		
CA DEL NORTE		
CA EL DORADO		
CA FRESNO		
CA GLENN		
CA HUMBOLDT		
CA IMPERIAL		
CA INYO		
CA KERN		
CA KINGS		
CA LAKE		
CA LASSEN		
CA LOS ANGELES		
CA MADERA		
CA MARIN		
CA MARIPOSA		
CA MENDOCINO		
CA MERCED		
CA MODOC		
CA MONO		
CA MONTEREY		
CA NAPA		
CA NEVADA		
CA ORANGE		
CA PLACER		
CA PLUMAS		
CA RIVERSIDE		
CA SACRAMENTO		
CA SAN BENITO		
CA SAN BERNARDINO		
CA SAN DIEGO		
CA SAN FRANCISCO		
CA SAN JOAQUIN		
CA SAN LUIS OBISPO		
CA SAN MATEO		
CA SANTA BARBARA		
CA SANTA CLARA		
CA SANTA CRUZ		
CA SHASTA		
CA SIERRA		
CA SISKIYOU		
CA SOLANO		
CA SONOMA		
CA STANISLAUS		
CA SUTTER		
CA TEHAMA		
CA TRINITY		
CA TULARE		
CA TUOLUMNE		
CA VENTURA		
CA YOLO		

CA YUBA

IDENTIFIED BY TRIBE AS BEING OF PARTICULAR INTEREST

Not provided

[Return to top of page](#)

[Return to Query Page](#)